

REMARKS

Claims 1-16 remain pending in the present application. Claims 1, 2 and 15 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 5, 6, 8, 12, 13 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakaya, et al., of record, in view of Ohno (U.S. Pat. No. 5,848,062). Claims 2-4, 7, 9-11, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakaya in view of Ohno and Flynn, of record. Applicant respectfully traverses this rejection by the Examiner. The Examiner admits that Nakaya fails to disclose that the transmission speed may be set. Applicant points out that we are referring to the radio transmission speed. The Examiner then looks to Ohno to disclose means for changing coding speed setting wherein the speed settings may further include lowering the amount of data transmitted over a given period of time i.e. rate or speed of data transmission. (Column 5, line 36 – Column 6, line 4).

Applicant respectfully disagrees with this interpretation of Ohno. Ohno teaches that when the temperature is higher than the set temperature, control portion 5 changes a transmission rate of the CODEC 2. (i.e. 64k bps to 32k bps). (Column 5, lines 42-48). The transmission rate of the CODEC 2 is not a radio transmission rate as is defined in the present invention. The transmission rate for the CODEC 2 is the transmission rate of CODEC 2 to transmission/reception portion 3. (Column 3, lines 35-53). The coding

rate or transmission rate of the CODEC 2 has nothing to do with the radio transmission speed defined in the present invention.

Ohno does not change the radio transmission speed. Ohno changes the radio transmission time to save battery power. "That is, when the data is transmitted at the rate of 32k bps, (from CODEC 2 to transmission portion 3) a data portion time of the TDMA burst data is reduced to 1/2 compared to the transmission rate of 64k bps." (From CODEC 2 to transmission portion 3). (emphasis added) (Column 5, lines 60-62). "Therefore, when a transmission burst time of the transmitted power amplifying portion is reduced to 1/2, there is such an effect that the consumed power is reduced to about 1/4." (emphasis added) (Column 6, lines 1-4). Ohno clearly does not change the radio transmission speed as is now defined in the present invention, it changes the radio transmission time.

Thus, Applicant believes that Claims 1-16 patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 12, 2004

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